



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,116	06/20/2005	Supen Taylor	GFRED 3.3-006	1068

530 7590 04/03/2007
 LERNER, DAVID, LITTENBERG,
 KRUMHOLZ & MENTLIK
 600 SOUTH AVENUE WEST
 WESTFIELD, NJ 07090

EXAMINER

MENEZES, MARCUS

ART UNIT

PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/540,116

Applicant(s)

TAYLOR, SUPEN

Examiner

Marcus Menezes

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8,10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey (GB 2343701A).

Garvey discloses a laces tying device comprising a body (21) provided with one or more apertures (29) in an outer surface thereof adapted to receive the two ends of the lace in the one or more apertures of the body (see figures 3-4); a releasable fastening means (22) adapted to fasten the two ends of the lace in the one or more apertures (28,29); and clip means comprising a retaining arm (31) mounted on the outer surface of the body such that it extends in parallel with the axis in use, by a living hinge provided on the outer surface of the body (See Fig. 3,4,7,8, and page 8, second paragraph). Further, said hinge is configured to bias the retaining arm towards the outer surface and over the aperture in the outer surface of the body, the retaining arm is arranged to retain overlapping portions of the two ends of the lace between the retaining arm and the outer surface of the body over the one or more apertures in the body.

Note, the hinge on Garvey is made of an elastic and resilient material used to accommodate the lacing and hold the loose laces in between the outer surface of the body and the arm of the clip. (See page 7, first paragraph). Garvey's hinge functions in

Art Unit: 3677

the same manner as the hinge disclosed in the claimed invention except that Garvey does not have a spring nor a hinge pin. It would have been an obvious matter of design choice to have used a spring and hinge pin, since Applicant has not disclosed that the spring solves any specific stated problem and it appears that the invention would perform equally well with a living hinge for biasing the retaining arm.

Garvey further discloses that the one or more apertures are intersected by a passage, the readily releasable fastening means comprising of a spring-loaded clamping element (25). (See Fig. 3,4).

Garvey discloses that the clamping element is provided with one or more apertures provided in the body. (See Fig. 7).

Garvey discloses that the clamping element is biased in one direction of displacement so that the one or more apertures provided in the clamping element are normally out of alignment with the one or more apertures provided in the body. (See Fig. 7).

Garvey discloses that the clamping element is provided with a trigger (23), the operation of which displaces the clamping element to bring the one or more apertures provided in the clamping element into alignment with the one or more apertures provided in the body. (See Fig. 4).

Garvey discloses that two apertures are provided in the body (21), through which the opposite ends of the lace can be threaded. (See page 7, lines 25-27, page 8, lines 1-2).

Art Unit: 3677

Garvey discloses a retaining arm (31) with lace-engaging elements on its underside. (See Fig.3). Said elements comprise of elongate projections that extend from the underside of the arm towards the hinge at an angle of less than 90 degrees.

Garvey discloses an article with laces that are to be used with a lace-tying device, and further, the tying device is dimensioned for use with footwear provided with laces. (See Abstract).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey.

Garvey discloses several elongate projections as lace engaging elements, however, Garvey does not disclose six projections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a total of six projections, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

The Office considers the method of using the laces tying device as taught by Garvey is obvious. Therefore, the method of using, as claimed, is given little patentable weight.

Art Unit: 3677

5. Claims 11-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey in view of Ang (US Patent No. 5,022,127).

Garvey discloses a lace tying device with a display portion on top of the retaining arm that is capable of displaying selectable elements. However, Garvey does not disclose any lace engaging projections on the outer surface of the body.

Ang discloses lace engaging projections (36) on an outer surface in the body (31), adjacent the lace engaging elements provide on the arm (22), and formed by a roughened surface portion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the teaching of the lace engaging elements on the outer surface of the body in Garvey in view of Ang in order to further prevent the laces from untying.

Response to Arguments

6. Applicant's arguments filed February 12, 2007 have been fully considered but they are not persuasive.

Applicant argues that Garvey does not have a spring-loaded hinge with a hinge pin. Examiner finds this structure to be an obvious matter of design choice. See rejection above.

Applicant argues that the retaining arm in Garvey "does not cover the aperture." Examiner disagrees. Viewed from above, the Garvey retaining arm does indirectly cover the aperture on the outer surface of the apparatus body. Though the retaining

arm in Garvey does not function as a cover which prevents entrance into said apertures, the Garvey retaining arm still does cover the apertures.

Applicant argues that the retaining arm extends along the axis between the opposing portions of the shoe in use. Examiner disagrees and advises Applicant to clarify what is meant by opposing portions of the shoe in use. The preamble of Claim 1 does not clarify this point. Further clarification of the direction of the aperture may overcome the Garvey patent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes
Examiner
Art Unit 3677

MM


ROBERT J. SANDY
PRIMARY EXAMINER